



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 \* Olympia, Washington 98504-0908 \* (360) 753-1111 \* Fax (360) 753-1112  
Toll Free 1-877-601-2828 \* E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) \* Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)

November 5, 2009

WILLIAM BAKER  
PO BOX 458  
TACOMA WA 98401

Subject: Final Order - PDC Case No. 10-005

Dear Mr. Baker:

Enclosed is a copy of the Public Disclosure Commission's Order Granting Reconsideration and Modifying Final Order that was entered in the above-referenced case. As you may recall from the hearing, reconsideration was granted and the \$500 penalty was suspended under the terms in the enclosed order. Also, as a result of the finding of a violation in PDC Case No. 10-005, the \$300 civil penalty assessed against you in PDC Case No. 08-005 is reinstated and due within 30 days of the date of this order.

Please note, unless you exercise your appeal rights as referenced in the Order Granting Reconsideration and Modifying Final Order, entered November 5, 2009, and as described in the Findings of Fact, Conclusions of Law and Order Imposing Fine entered September 30, 2009 (copy enclosed), the \$300 civil penalty assessed against you in PDC Case No. 08-005 is due within 30 days of the date of this order. The check should be made payable to "WA STATE TREASURER" and should be sent to the Public Disclosure Commission. Thank you for your cooperation.

If you have questions, please contact Kurt Young at (360) 664-8854 or toll free at 1-877-601-2828 or by e-mail at [kyoung@pdcc.wa.gov](mailto:kyoung@pdcc.wa.gov).

Sincerely,

Philip E. Stutzman  
Director of Compliance

Enclosures

1. Order Granting Reconsideration and Modifying Final Order, entered November 4, 2009
2. Findings of Fact, Conclusions of Law and Order Imposing Fine, entered September 30, 2009



1  
2 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
3 **OF THE STATE OF WASHINGTON**

4 IN RE COMPLIANCE  
5 WITH RCW 42.17

6 WILLIAM A. BAKER

7 Respondent.  
8 \_\_\_\_\_

) PDC CASE NO. 10-005  
)  
)

) ORDER GRANTING  
) RECONSIDERATION AND  
) MODIFYING FINAL ORDER  
)

9  
10 **I. INTRODUCTION**

11 At Respondent's request, a reconsideration of the Final Order in this matter was  
12 conducted before the Public Disclosure Commission on October 22, 2009. The  
13 reconsideration hearing was held at the Evergreen Plaza Building, 711 Capitol Way Room  
14 206, Olympia, Washington, pursuant to chapters 34.05 RCW and 42.17 RCW and chapter  
15 390-37 WAC. Kurt Young, Compliance Officer, represented the Commission staff. The  
16 Respondent Will Baker appeared in person at the hearing and represented himself.  
17

18 The Commission was provided a copy of the Final Order dated September 3, 2009,  
19 an October 14, 2009 memorandum from Mr. Young with attachments, and several exhibits  
20 from the Respondent (Exhibits 1 through 7). After due consideration of the Final Order,  
21 oral testimony of the Respondent and other evidence presented during the reconsideration  
22 hearing, the Commission agreed to reconsider the Final Order, and following  
23 reconsideration, to modify the Final Order as follows.  
24

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26 ///

1 **II. FINDINGS OF FACT**

2 1. – 4. Findings of Fact Nos. 1 – 4 in the Final Order are incorporated herein. Copy  
3 of order attached.

4 5. A brief enforcement hearing (brief adjudicative proceeding) was held in this  
5 case on August 27, 2009. On August 12, 2009, the Respondent was mailed written notice  
6 of that brief enforcement hearing to the address he provided the Commission. The  
7 Respondent did not respond to the notice and did not attend the hearing. The Respondent  
8 was found by the Presiding Officer to have violated RCW 42.17.040 by failing to file a  
9 Candidate Registration (PDC Form C-1), and RCW 42.17.240 by failing to file a Personal  
10 Financial Affairs Statement (PDC Form F-1) within two weeks of becoming a candidate in  
11 2009, or no later than June 19, 2009.  
12

13 6. In the Initial Order entered September 3, 2009 following the brief  
14 enforcement hearing (that Initial Order became the Final Order, and will be referred to as  
15 such in the remainder of this order for ease of reference), the Respondent was assessed a  
16 civil penalty of \$500, of which the entire \$500 was suspended on the condition that the  
17 Respondent file the missing C-1 and F-1 reports within 10 days of the Final Order, or no  
18 later than September 14, 2009. The Final Order was mailed to the Respondent on  
19 September 3, 2009.  
20

21 7. The finding of a violation of RCW 42.17 in the Final Order triggered the  
22 reinstatement of a previously suspended \$300 penalty against the Respondent in PDC Case  
23 No. 08-005 (Final Order entered November 2, 2007 and for which no appeal was filed).  
24 The \$300 had been suspended in that case on the condition that the Respondent committed  
25  
26

1 no violations of RCW 42.17 for four years from the date of that order, which was August  
2 21, 2007.

3 8. During the reconsideration hearing, the Respondent stated he was  
4 incarcerated at the time the August 12, 2009 brief enforcement hearing notice was sent in  
5 this matter and he remained incarcerated until after the brief enforcement hearing. The  
6 Respondent stated he received the order that was issued following the brief enforcement  
7 hearing after being released from jail on August 28, 2009, and contacted PDC staff on  
8 September 10, 2009, requesting a review of the order. A Commission review was  
9 scheduled for September 24, 2009. The Respondent then requested a continuance, and the  
10 matter was rescheduled for October 22, 2009 as Respondent's request for reconsideration of  
11 a Final Order.  
12

13  
14 9. The Respondent did not file his missing C-1 and F-1 reports by September  
15 14, 2009. The Respondent filed his missing C-1 and F-1 reports on October 22, 2009,  
16 prior to the Commission hearing on his reconsideration request.

### 17 **III. CONCLUSIONS OF LAW**

18 Based on the record submitted in this matter, the Commission concludes as follows:

19 1. – 3. Conclusions of Law 1-3 in the Final Order are incorporated herein.

20  
21 4. The Initial Order of September 3, 2009 issued after the brief enforcement  
22 hearing became a Final Order pursuant to RCW 34.05.491(5).

23 5. The Respondent's request for review was considered as a request for  
24 reconsideration of the Final Order when he requested a continuance, pursuant to RCW  
25 34.05.470, RCW 34.05.491(5), WAC 390-37-144(4) and WAC 390-37-150(4)(a).  
26



**ENFORCEMENT**

The Commission will seek to enforce this order in superior court under RCW 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been filed under chapter 34.05 RCW.

This action will be taken without further order by the Commission.

DATED THIS 5<sup>th</sup> day of November, 2009.

FOR THE COMMISSION:

  
\_\_\_\_\_

VICKI RIPPIE

Executive Director

Attachment: Findings of Fact, Conclusions of Law and Order Imposing Fine (September 3, 2009)

*Date of mailing:* \_\_\_\_\_



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BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

WILLIAM BAKER  
PO BOX 458  
TACOMA WA 98401

In Re the Matter of	)	PDC Case No. 10-005
William Baker	)	Findings of Fact,
	)	Conclusions of Law and
Respondent	)	<b>Order Imposing Fine</b>
_____	)	

A brief enforcement hearing (brief adjudicative proceeding) was held August 27, 2009, in Room 206, Evergreen Plaza Building, Olympia, Washington to consider whether the Respondent failed to file the Candidate Registration Statement (PDC Form C-1) and the Personal Financial Affairs Statement (PDC Form F-1), both of which were due within two weeks of becoming a candidate in 2009, a violation of RCW 42.17.040 and RCW 42.17.240.

The hearing was held in accordance with Chapters 34.05 and 42.17 RCW and Chapter 390-37 WAC. Commission Chair Jim Clements was the Presiding Officer. The Commission staff was represented by Kurt Young, Compliance Officer. The Respondent submitted an e-mail that was presented to the Presiding Officer.

A brief enforcement hearing notice was sent to the Respondent on August 12, 2009. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent is a candidate for Pierce County Auditor in 2009. Mr. Baker has been a candidate for public office on numerous occasions including seeking the office of Governor in 2008 and Tacoma City Councilmember in 2007.
2. The Respondent was required to file both the Candidate Registration Statement (PDC Form C-1) and the Personal Financial Affairs Statement (PDC Form F-1) within two weeks of becoming a candidate, or no later than June 19, 2009.
3. The C-1 and F-1 reports were not filed by the date of the Brief Enforcement Hearing.



4. The Respondent submitted an e-mail to PDC staff on August 11, 2009, stating that he apologized for not filing the missing reports and that he had been "trapped in court," which was taking up his time. The e-mail was received prior to the hearing notice being mailed on August 12, 2009, and no additional information was provided by the Respondent.

#### CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.040 by failing to file a Candidate Registration.
3. The Respondent violated RCW 42.17.240 by failing to file a Personal Financial Affairs Statement.

#### ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$500, of which the entire \$500 is suspended on the condition that the missing C-1 and F-1 reports are filed by the Respondent within 10 days of the date of this order.**<sup>1</sup>

**IT IS HEREBY ORDERED that the previously suspended \$300 penalty in PDC Case No. 08-005 be reinstated against the Respondent.**

This is an **Initial Order** of the Public Disclosure Commission. There are two ways the Respondent may appeal this order to the Commission. Once the order becomes a final order, it may also be appealed to Superior Court.

#### REVIEW OF INITIAL ORDER - COMMISSION

- a. The Respondent may request a review of this Initial Order by the entire Commission.
- b. The request may be made orally or in writing, and must be received at the Public Disclosure Commission office within **21 business days** after the postmark date of this Initial Order. The Respondent must state the reason for the review, and identify what alleged errors are contained in the initial order.

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<sup>1</sup> The assessed penalty is based on a penalty schedule previously adopted by the Commission that takes into consideration prior violations and whether the missing reports were filed before the date of the hearing. In assessing the penalty, the Presiding Officer considered that the Respondent had one prior violation and that the missing reports were not filed before the date of the hearing.

- c. If the Respondent requests a review, no penalty need be paid until after the Commission rules on the request.
- d. By law, a request for review of the initial order is deemed to have been denied if the Commission does not make a disposition of the matter within 20 business days after the request is submitted.
- e. If the Commission is unable to schedule a meeting to consider the Respondent's request for review within 20 business days, the Initial Order becomes a Final Order and the matter will automatically be treated as a request for reconsideration of a final order unless the Respondent advises the Commission otherwise. The matter will be scheduled before the full Commission as soon as practicable.
- f. A request for reconsideration must be in writing. Therefore, if the request for review of the Initial Order was made orally and deemed to have been denied because it could not be scheduled for consideration within 20 business days, the request must now be put in writing. (See Reconsideration of Final Order below.)
- g. If no request for review is received within 21 business days, this order will automatically become a **Final Order** of the Commission, and the Respondent will be legally obligated to pay the penalty unless reconsideration has been sought or the matter has been timely appealed to Superior Court. (RCW 42.17.395, RCW 34.05.470 and RCW 34.05.570).

#### RECONSIDERATION OF FINAL ORDER - COMMISSION

- a. Any party may ask the Commission to reconsider a final order. The request must be in writing and must include the specific grounds or reasons for the request. Grounds for reconsideration shall be limited to:
  - i) A request for review was deemed denied in accordance with WAC 390-37-144(4);
  - ii) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or
  - iii) Significant typographical or ministerial errors in the order.
- b. The request must be delivered to the Public Disclosure Commission office within **21 business days** after the postmark date of this order.
- c. The Public Disclosure Commission is deemed to have denied the request for reconsideration if, within 20 business days from the date the request is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. (RCW 34.05.470).
- d. The Respondent is not required to ask the Public Disclosure Commission to reconsider the final order before seeking judicial review by a superior court. (RCW 34.05.470).

**FURTHER APPEAL RIGHTS – SUPERIOR COURT**

- a. A **final order** issued by the Public Disclosure Commission is subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. (RCW 42.17.395(5)). The procedures are provided in RCW 34.05.510 - .598.
- b. The petition for judicial review must be filed with the superior court and served on the Public Disclosure Commission and any other parties within **30 days** of the date that the Public Disclosure Commission serves this Final Order on the parties. (RCW 34.05.542(2)).
- c. Service is defined in RCW 34.05.010(19) as the date of mailing or personal service.

**ENFORCEMENT OF FINAL ORDERS**

- a. If there is no timely request for review or reconsideration, this Initial Order becomes a Final Order. The Respondent is legally obligated to pay any penalty assessed.
- b. The Commission will seek to enforce a final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been timely filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

Entered this 3rd day of September, 2009.

Public Disclosure Commission

*Vicki Rippie*  
ARE

Vicki Rippie  
Executive Director